

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

MICHELLE BLANKENSHIP, et al.,)	
)	
Plaintiffs,)	Case No. 1816-CV22635
)	
v.)	
)	
BLUE SPRINGS FAMILY CARE, PC, et al.,)	Division 2
)	
Defendants.)	

ORDER

Comes now the Court on Defendants’ Motion to Change Venue, filed herein November 16, 2018. After reviewing the Motion, considering the suggestions and responses, and being fully advised in the laws and premises of the Motion, the Court finds that Defendants’ Motion to Change Venue should be **GRANTED**.

For purposes of venue, Plaintiffs’ contend that Mo. Rev. Stat. § 538.232 applies. Where there is a specific venue provision contained within a statute, the general venue statute of § 508.010 is superseded. *See Igoe v. DOL*, 152 S.W.3d 284, 288 (Mo. 2005). Defendants’ argue that the general venue statute, Mo. Rev. Stat. § 508.010, applies to this action and that therefore, venue is appropriate in the 7th Circuit Court of Clay County. This Court agrees with Defendants’ contention.

This is an unfortunate case involving the loss of Carolyn Ratliff at the hands of her husband Larry Ratliff. Plaintiffs’ through her next friend, allege that on December 28, 2015, Mr. Ratliff arrived at Defendant Dr. John Peterson’s office in Blue Springs, Jackson County, Missouri. Mr. Ratliff sought Dr. Peterson’s professional help expressing his thoughts of suicide, as well as thoughts and plans to kill his wife. With this information, Dr. Peterson failed to have Mr. Ratliff psychologically evaluated or transferred to a psychological facility for further treatment. Moreover, even with knowledge that Mr. Ratliff had gone so far as to write out plans to kill his wife, Dr. Peterson failed to warn Mrs. Ratliff that she could be in

serious danger. On January 4, 2016, seven days after his office visit with Dr. Peterson, Mr. Ratliff killed his wife, Decedent Carolyn Ratliff in Clay County, Missouri.

Pursuant to Mo. Rev. Stat. § 538.232, “[i]n any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, for purposes of determining venue under section 508.010, the plaintiff shall be considered injured by the health care provider only in the county where the plaintiff first received treatment by a defendant for a medical condition at issue in the case.”

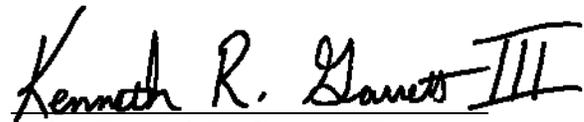
While Plaintiffs’ claims are against a health care provider for damages due to Ms. Ratliff’s death arising out of the Defendants’ failure to render health care services, none of the Plaintiffs’, nor the decedent, received treatment from the Defendants. The only individual to receive medical treatment from the Defendants was the non-party to this action, Mr. Ratliff. Therefore, the special venue statute does not apply and this matter is governed by the general venue statute, Mo. Rev. Stat. § 508.010, rendering venue proper in the 7th Circuit Court of Clay County, Missouri.

IT IS THEREFORE ORDERED that Defendants’ Motion to Change Venue is **GRANTED**.

IT IS FURTHER ORDERED that this case is transferred to 7th Circuit Court of Clay County, Missouri. A separate order of transfer will issue from this Court.

IT IS SO ORDERED.

January 3, 2019
Date



Judge Kenneth R. Garrett, III

I certify a copy of the above was sent via the E-filing system this day to all counsel of record:



By: Mary Kate Bird, Law Clerk to The Honorable Kenneth R. Garrett, III, Division 2